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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
JONES, PRENELL P	

ART UNIT	PAPER NUMBER
2668	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/027,068	ABRAMS ET AL.	
	Examiner	Art Unit	
	Prenell P. Jones	2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 5-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 5-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claims 1-3 and 5-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Girard (US PG PUB 2002/0176404) in view of Forslow (US PAT. 6,608,832).

Regarding claims 1 and 4, Girard discloses setting up a first part of a multi-media call utilizing packet-switched resources on a communication network (Fig. 2, a distributed edge

switch (single point of control) that supports the delivery of multi-media services whereby each subscriber premise or party is associated with communicating in a call, thereby making each subscriber or party a part of the call session, a subscriber (first part of call) dials a number which connects to the packet network, paragraph 0082-0087) setting up a second part of the multi-media call utilizing circuit-switched resources, (Fig. 3, edge switch supplies at the subscriber premise packet data path from the premise to the packet transport network/packet switched, and it also provides a means by which voice, video and data terminals at the subscriber premise may connect to other network endpoints in the packet transport network, each creating connections through a shared bandwidth, routed IP data interface, call setup for a subscriber/endpoint at one end of the call connected to packet network and a second subscriber/endpoint at the receiving end is connected to the PSTN, paragraph 0106). However Girard is silent on call control for the multi-media call is handled by a signal point of control, wherein single point of control reallocates packet-switched and circuit-switched resources independently for different parts of the multi-media call. In analogous art, Forslow discloses call control for the multi-media call is handled by a signal point of control, wherein single point of control reallocates packet-switched and circuit-switched resources independently for different parts of the multi-media (Abstract, Fig. 11, common access/common access server is utilized between nodes communicating in a multi-media environment wherein allocation of packet-switched resources and circuit-switched resources is implemented, a single common access is utilized, a procedure is performed in allocation/re-allocation of resources whereby a session associated with a call that occupies a circuit switch connection is performed instead of waiting for packet switched to be released therefore, resource connections are independent of one another, col. 16, line 1-28, col. 17, line 45-67, col. 18, line 6-20, col. 20, line 48-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be

motivated to implement a multi-media call being handled by a signal point of control, wherein single point of control reallocates packet-switched and circuit-switched resources independently for different parts of the multi-media call as taught by Forslow with the teachings of Girard for the purpose of further providing resource management as associated with multi-media access and at the same time adding low cost and improving set-up time.

Regarding claim 2, Girard further discloses assigning part of the multi-media call to at least one of a packet-switched resource and a circuit-switched resource based on at least one of bandwidth, QoS, and real-time requirement for the part of the multi-media call (paragraph 0174, Edge switch negotiates the creation of multi-media streams, paragraph 0175, Edge switch uses network-based resources to associate a dialing number (part of call) with an IP address, as required to setup the SIP call session , communications between set-top boxes is based on some carrier-specific/bandwidth, paragraph 0176, the edge switch performs QoS between all terminals competing for broadband access network transmission capacity, transmission capacity is dynamically reserved for voice and video transmission, paragraph 005 and 0096, system supports real-time monitoring of service delivery).

Regarding claim 3, as indicated above, Girard further discloses setting up a third part of a multi-media call without affecting resources allocated to a first part of a multi-media call and a second part of the multi-media call (Fig. 3, all services stored on Edge switch is accessible to third parties as well as first part of call and second part of call, paragraph 0099).

6. Claims 6-12, 14 and 16-18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Das et al (Unpatented Literature; Wireless Network) in view of Forslow (US PAT. 6,608,832).

Regarding claims 6-12, 14 and 16-18, Das discloses a call admission and control scheme for QoS in next generation wireless networks wherein multimedia traffic/call, which is classified as real-time (voice or video/circuit switched) and non-real-time (packet data/packet switched) is supported and QoS is utilized to guarantee QoS between end-users, whereby users request resources to initiate call setup (Fig. 1, Fig. 2, page 18, left col. & right col.), user requirements may require real-time/circuit switched and non-real-time/packet switched resource (page 19, left column, paragraph 2 and 3), when a real-time call request is made and it is found that all channels are unavailable, the user maybe assigned a non-real-time resource and visa versa, determine if real-time request or non-real-time request is available (page 19, right col., page 22, left col., paragraph 2, 3, 4, right col., paragraph 1-4), and allocating of resources. Das is silent on call control for the multi-media call, whereby a call is handled by a signal point of control, wherein single point of control reallocates packet-switched and circuit-switched resources independently for different parts of the multi-media call. In analogous art, Forslow discloses call control for the multi-media call is handled by a signal point of control, wherein single point of control reallocates packet-switched and circuit-switched resources independently for different parts of the multi-media (Abstract, Fig. 11, common access/common access server is utilized between nodes communicating in a multi-media environment wherein allocation of packet-switched resources and circuit-switched resources is implemented, a single common access is utilized, a procedure is performed in allocation/re-allocation of resources whereby a session associated with a call that occupies a circuit switch connection is performed instead of

waiting for packet switched to be released therefore, resource connections are independent of one another, col. 16, line 1-28, col. 17, line 45-67, col. 18, line 6-20, col. 20, line 48-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement a multi-media call being handled by a signal point of control, wherein single point of control reallocates packet-switched and circuit-switched resources independently for different parts of the multi-media call as taught by Forslow with the teachings of Das for the purpose of further providing resource management as associated with multi-media access and at the same time adding low cost and improving set-up time.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Girard (US PG PUB 2002/0176404) in view of Forslow (US PAT. 6,608,832 and Elliott (US PAT 6,618,384).

Regarding claim 5, as indicated above, the combined teachings of Girard and Forslow discloses a distributed edge switch for voice over packet multi-service network wherein circuit switched and packet switched resources are allocated independently as associated with call sessions. However, Girard and Forslow are silent on implementing instructions for allocating services on a computer readable signal-bearing medium. In analogous art, Elliott discloses a computer-readable signal-bearing medium that includes a computer readable program code that implements setting-up a subscriber to an ATM and setting up a subscriber to a PSTN (a computer usable medium of instructions in a variety of forms for setting up or processing a call as associated with the implementation of the current invention, col. 6, line 41-60). Therefore, it would have been obvious to one of ordinary skilled in the art to implement the instructions for setting up a call on a computer readable medium as taught by Elliott with the combined teachings Girard and Forslow for the purpose of carrying out distribution of resources in an orderly fashion.

8. Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Das (Unpatented Literature; Wireless Network) in view of Forslow (US PAT. 6,608,832) and Elliott (US PAT 6,618,384).

Regarding claims 13 and 19, as indicated above, the combined teachings of Das and Forslow discloses a call admission and control scheme for QoS in next generation wireless networks wherein multimedia traffic/call request service/resource allocation. However, Das and Forslow fail to teach or suggest implementing instructions for allocating services on a computer readable signal-bearing medium. In analogous art, Elliott discloses a computer-readable signal-bearing medium that includes a computer readable program code that implements setting-up a subscriber to an ATM and setting up a subscriber to a PSTN (a computer usable medium of instructions in a variety of forms for setting up or processing a call as associated with the implementation of the current invention, col. 6, line 41-60). Therefore, it would have been obvious to one of ordinary skilled in the art to implement the instructions for setting up a call on a computer readable medium as taught by Elliott with the teachings Das and Forslow for the purpose of carrying out distribution of resources in an orderly fashion.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Das (Unpatented Literature; Wireless Network) in view of Forslow (US PAT. 6,608,832) and Girard (US PG PUB 2002/0176404).

Regarding claims 15, as indicated above, the combined teachings of Das and Forslow discloses a call admission and control scheme for QoS in next generation wireless networks

wherein multimedia traffic/call request service/resource allocation. However, Das and Forslow are silent on a second party joining call. In analogous art, Girard discloses setting up calls in a multi-media environment (Fig. 2 and 3) wherein an additional part can join call. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement allowing addition parties to join calls as taught by Girard with the combined teachings of Das and Forslow for the purpose of allowing multiple users to communicate on the same call simultaneously.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

February 5, 2006

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SUPERVISORY PATENT EXAMINER
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2/6/06